

REPORT - PLANNING COMMISSION MEETING
July 14, 2005

Project Name and Number: Stine-Walia TPM 8556 (PLN2005-00223)

Applicant: Timothy M. Stine and Bill Walia

Proposal: To consider Tentative Parcel Map 8556 to merge two existing parcels for the creation of three new residential parcels.

Recommended Action: Approve, based on findings, subject to conditions

Location: 41892 Covington Drive & 41922 Paseo Padre Parkway, in the Mission San Jose Planning Area.

Assessor Parcel Number(s): 41892 Covington Drive—513-0486-050-00
41922 Paseo Padre Parkway—513-0487-119-00

Area: 41892 Covington Drive—0.31ac or 14,203SF
41922 Paseo Padre Parkway—0.36ac or 15,802SF

Owner: 41892 Covington Drive—Bill Walia
41922 Paseo Padre Parkway—Timothy Stine

Agent of Applicant: None

Consultant(s): Keith Nofield, Land Surveyor

Environmental Review: This project is categorically exempt per CEQA Section 15315, Minor Land Division.

Existing General Plan: Low Density Residential (4-6 d.u./ac.)

Existing Zoning: R-1-8, Single-family Residence District

Existing Land Use: Single-family residences

Public Hearing Notice: A total of 62 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Wisteria Drive, Bedford Street, Kokoma Drive, Covington Drive, Paseo Padre Parkway, among others. The notices to owners and occupants were mailed on July 1, 2005. A Public Hearing Notice was delivered to The Argus on June 27, 2005 to be published by June 30, 2005.

Background and Previous Actions: The proposed Tentative Parcel Map involves two existing, abutting parcels:

41892 Covington Drive—Walia Parcel

In April 1959, the City Council approved Tract Map 2008, a 107-lot subdivision, south of Driscoll Road and east of Paseo Padre Parkway, known as the "Mission Ranch No. 5". The 14,203 square foot Walia parcel on Covington Drive is Lot 107 of said tract.

41922 Paseo Padre Parkway—Stine Parcel

In January 1961, the City Council approved Tract Map 2206, "Mission Highlands Unit No.4", a 44-lot subdivision adjoining the Mission Ranch No. 5 subdivision on its south side. The Stine parcel on Paseo Padre Parkway was once a portion of Lot 1 of said tract. In December 1984, the City's Parcel Map Administrator approved Parcel Map 4457 that led to the

subdivision of Lot 1 (then about an acre in size) into four parcels. The Stine parcel is the largest of that 4-lot parcel map at 15,802 square feet in area.

Project Description: The proposed project is a 3-lot Tentative Parcel Map (TPM 8556) to allow the reconfiguration of two existing parcels totaling 30,005 square feet into three new parcels, each averaging over 8,000 square feet in size. A single-family residence currently exists on each existing parcel and a few other minor accessory structures. Except for site cleanup work, the removal of three Eucalyptus trees and construction of new fencing, no demolition of structures is proposed. In essence, approximately 4,000 square feet on each of the two parcels would be combined, and new lot lines configured to form a new 8,021 square foot parcel. The new parcel would initially be vacant and without structures. Existing residences on the reconfigured and area-reduced Stine and Walia parcels would be retained.

The proposed lot area and configurations are, as follows: Parcel 1 (Walia), a corner lot, would be approximately 10,058 square feet with frontages on both Covington Drive and Paseo Padre Parkway; Parcel 2 would be the smallest and initially vacant at 8,021 square feet in size with frontage on Paseo Padre Parkway; and, Parcel 3 (Stine) would be 11,926 square feet in size with frontage on Paseo Padre Parkway. A new single-family residence could be developed in the future on Parcel 2, consistent with the R-1-8, Single-family Residence District standards. The approval of such residence would be subject to the City's Development Organization (staff level review).

Existing Site and Surrounding Land Use: The cumulative project area consisting of two existing parcels is approximately 30,005 square feet. The existing topography of the project area is relatively flat. The project area is located within an established single-family neighborhood originally created by subdivision tracts with lots averaging larger than 8,000 square feet in size. The project area, surrounded by developed single-family parcels, is neither topographically nor geologically (e.g. flood zone, seismic zone setbacks, etc.) constrained. While a 15-foot wide utility easement and a 10-foot wide gas line easement traverses through the project area, these easements would not restrict the development and use of a single-family residence on each proposed lot. The existing street frontage of the project area is also improved. Because driveways already exists (i.e., a driveway on Covington Drive and a circular driveway to serve the two proposed lots on Paseo Padre Parkway), no modifications to, or new curb-cuts in, the existing public right-of-way are required. A few Eucalyptus trees exist within the project area.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Low Density Residential, 4-6 dwelling units per acre. The proposed project is consistent with the General Plan and the goals and objective of the Housing Element because it provides an opportunity for the development of an additional single-family dwelling.

General Plan Fundamental Goal F-2: A harmonious blend of the natural and built environments.

The proposed subdivision would be consistent with the overall existing character of the neighborhood in that all applicable subdivision standards are met. These standards are identical to those applied to the original subdivision tracts which created the project parcel and its neighboring parcels.

Zoning Regulations: The project area is zoned R-1-8, Single-family Residence District.

Setbacks—Staff has reviewed the proposal and finds that the subdivision would be in compliance with the R-1-8 siting and lot area standards. The future development of a residence on the proposed Parcel 2 could be sufficiently accommodated in conformance with those standards. The R-1-8 building setbacks are: a 25-foot front yard setback; a 25-foot rear yard setback (or 30-foot rear yard setback for 2-story structure); and, minimum side yard setbacks of 7 feet, total both sides 16 feet (or 8 feet, total both sides 20 feet for 2-story structure).

Lot Size—The minimum lot size for the R-1-8 Zoning District is 8,000 square feet. The proposed lot dimensions and lot sizes of the 3 proposed parcels conform to the District's requirements. The three proposed lots, at 10,058 square feet (Parcel 1), 8,021 square feet (Parcel 2), and 11,926 square feet (Parcel 3), are also compatible in terms of lot sizes of surrounding parcels in the neighborhood.

Circulation/Access Analysis: Access to proposed Parcels 2 and 3 are via an existing circular driveway from Paseo Padre Parkway, and access to Parcel 1 via an existing driveway on Covington Drive. Because these driveways exist, no further street improvements are required.

City Landscape Architect Review of Proposed Tree Removal: The site contains a number of Eucalyptus trees generally concentrated in the rear area of proposed Parcel 2. The applicant anticipates that three Eucalyptus trees (marked with an "X" on the plan) will later be requested for removal. Per the Landscape Division's recommendation, a condition is proposed to require the applicant (or future property owners) to apply for Tree Removal Permits prior to the removal of these trees. If it is determined that such trees are significant, the future home on Parcel 2 may have to be designed to accommodate the trees.

Grading & Drainage: Only minor foundation and site work grading would be necessary for the development of a single-family residence on proposed Parcel 2. A grading and drainage plan would be required at the time of building permit application to determine whether the existing and/or proposed grading is in compliance with the requirements for grading and erosion control as set forth in the Grading Ordinance.

Geology/Soils: A geotechnical/soils report would be required at the time of building permit application to determine the existing soils condition, as well as to establish and requirement needed to meet building code requirements for the construction of a new residence on Parcel 2 in the future.

Urban Runoff Clean Water Program: The applicant would be required to conform to the City's Urban Runoff Clean Water Program requirements. Conditions of approval are proposed to be included in the grading plan at the time of building permit issuance to reflect this requirement.

Development Impact Fees: The future development of the new home on proposed Parcel 2 of this project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park land dedication-in-lieu, park facilities, capital facilities and traffic impact. These shall be calculated at the fee rates in effect at the time of building permit issuance for the future residence on Parcel 2.

Enclosures:	Exhibit "A"	Tentative Parcel Map 8556
	Exhibit "B"	Findings & Conditions of Approval for TPM 8556

Exhibits:	Exhibit "A"	Tentative Parcel Map 8556
	Exhibit "B"	Findings & Conditions of Approval for TPM 8556

Recommended Actions:

1. Hold public hearing.
2. Find the proposed project to be categorically exempt from environmental review per Section 15315 of the CEQA guidelines as it relates to a minor subdivision of land.
3. Find PLN2005-00223 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan as enumerated within the staff report.
4. Approve PLN2005-00223 (Tentative Parcel Map 8556), as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

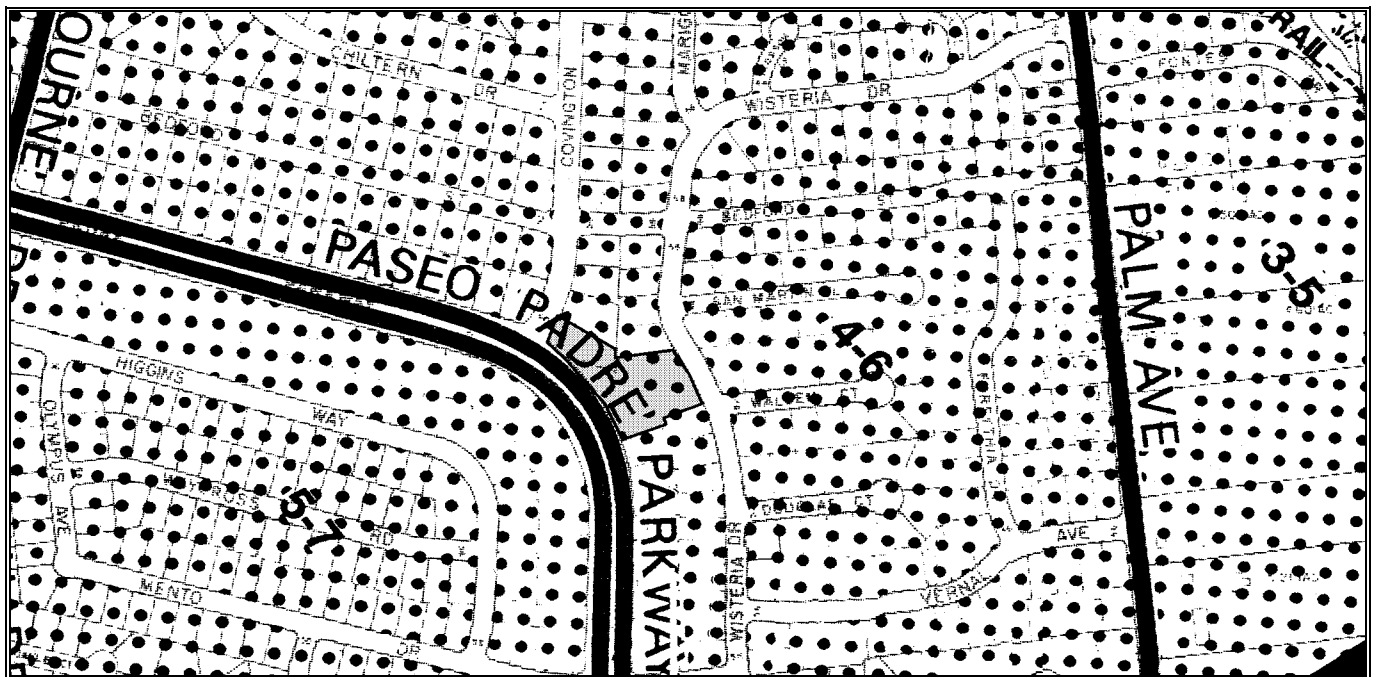


EXHIBIT "B"
Findings and Conditions of Approval
TENTATIVE PARCEL MAP 8556 (TPM-8556)
July 14, 2005 Planning Commission Meeting
41892 Covington Drive & 41922 Paseo Padre Parkway

FINDINGS

The findings below are made on the basis of information contained in the staff report to the Planning Commission and information received at the public hearing on July 14, 2005, incorporated herein.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan because the proposed development conforms to the Residential, Low Density (4-6 d.u./acre) land use designation for the site and the goals and policies as enumerated in the staff report.
3. The site is physically suitable for the type and proposed density of the development since the proposed lot configuration is in conformance with the R-1-8 District requirements of the Zoning Ordinance and that the proposed parcels are sufficient in size and do not contain encumbrances that would preclude future development of the parcels for single-family residential uses.
4. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because there is no evidence of habitat or rare endangered species at this location, as it is entirely surrounded by residential development and the project area is currently developed and occupied by two residences and related accessory buildings.
5. The design of the subdivision is not likely to cause public health problems since the review process of the subdivision has taken those concerns into consideration and has found that the proposal is in conformance with the City of Fremont's policies.
6. The design of the subdivision would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

CONDITIONS:

1. The project shall conform with Exhibit "A" (Tentative Parcel Map 8556), all conditions of approval set forth herein.
2. This Tentative Parcel Map (TPM) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the TPM application. If any of the information is shown to be inaccurate subsequent to approval of the TPM by the City, such inaccuracy may be cause for invalidating this approval.
3. Site grading and drainage is subject to the approval of the Development Organization Engineer at the time of building permit issuance. Site grading must not obstruct natural flow from abutting properties or divert drainage from its natural watershed. The drainage area map developed for the drainage design for this project shall be based on the original drainage area map developed for the existing storm drain system and shall clearly indicate all areas tributary to the project site.
4. Any easements required by the various public utilities and public agencies shall be dedicated prior to final parcel map approval.

5. The applicant and/or future property owners of the lot(s) must receive Tree Removal Permits for the removal of any trees. The Permits shall be subject to the review and approval of the City's Landscape Architect.
6. Utility service connections, including electrical and communications, shall be installed underground.
7. At the time grading is proposed, the project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
8. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
9. The development of a single-family residence on Parcel 2 is subject to Citywide Development Impact Fees. These fees include fees for fire protection, capital facilities, park facilities, parkland dedication in-lieu and traffic impact. All fees shall be calculated at the rate in effect at the time of building permit issuance and will be collected prior to building permit issuance.
10. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall indemnify and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City of Fremont, advisory agency appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. The City of Fremont shall promptly notify the subdivider of any claim, action, or proceeding to attack, set aside, void or annul its approval and shall cooperate fully in the defense.
11. Only one final Parcel Map is allowed to accomplish the lot subdivision proposed by this tentative parcel map. No "phasing" of the final parcel map shall be permitted.
12. The subdivider is required to pay the City of Fremont prior to final map approval for archive imaging of the recorded parcel map. The subdivider is also required to provide the City with a mylar copy of the recorded parcel map subsequent to its recordation.
13. The subdivider shall provide a letter from the Alameda County Water District giving the location and sealing specifications for all water wells within the subdivision. If there are no wells, a letter stating so must be provided.
23. Any construction activities related to this project shall be limited to the following hours:
7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday
Failure to comply with the above construction hours will lead to withholding of inspections.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative parcel map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative parcel map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.